

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

2012 SEP 21 PM 2:03

SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIDGES  
CLERK

DANNY C. GREENE,

Plaintiff,

v.

No. \_\_\_\_\_

THE INDIANA RAIL ROAD COMPANY,

A railroad corporation,

Defendant.

**2 : 12 -cv- 0279 JMS -WGH**

**COMPLAINT**

NOW COMES plaintiff, Danny C. Greene, by and through his attorneys, The Brennan Law Firm, P.C., and for his Complaint against the defendant, the Indiana Rail Road Company, a railroad corporation, states as follows:

1. That the jurisdiction of this Court is based upon an Act of Congress of the United States, being the Federal Employers' Liability Act, 45 U.S.C. §51-60, as hereinafter more fully shown.
2. That at all times mentioned herein, defendant was a railroad corporation, organized and existing by virtue of law, engaged in interstate transportation and commerce, which conducts business in this district.
3. That at all times mentioned herein, all or part of the duties of the plaintiff as such servant and employee furthered interstate commerce conducted by the defendants or in some way directly and substantially affected said commerce.

4. That on October 7, 2009, the plaintiff was employed as a trainman, and was performing his assigned duties for Defendant, when he injured his neck, left shoulder, lower back, and left hip as a result of falling due to poor and improper walking conditions.

5. That it was the duty of the defendants to exercise ordinary care in providing plaintiff with a reasonably safe place in which to work and with reasonably safe conditions for work.

6. That at said time and place, the defendants, by and through their agents, servants and employees, committed one or more of the following negligent acts or omissions:

- (a) Failed to provide Plaintiff with a reasonably safe place to work; and/or
- (b) Failed to provide reasonably safe conditions for work; and/or
- (c) Failed to provide reasonably safe methods of work; and/or
- (d) Failed to provide suitable and stable walkways and work surfaces; and/or
- (e) Failed to properly inspect and maintain its walkways and work surfaces; and/or
- (f) Violated 49 C.F.R. 213.103 by failing to use ballast which provided for adequate drainage of the track, causing a "wash out" condition to exist in Plaintiff's work area.

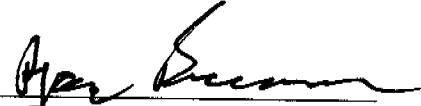
7. That as a direct and proximate result, in whole or in part, of one or more of the above and foregoing negligent acts or omissions on the part of the Defendant, the Plaintiff sustained severe and permanent injuries, to wit: injuries to the muscles, discs, bones, tendons, ligaments and nerves of the cervical and lumbar spine, left shoulder, and left hip, including surgery thereon; that he has sustained an aggravation of any pre-existing

conditions to the afore-mentioned areas of the body; he sustained pain and suffering in the past and is reasonably certain to experience pain and suffering in the future as a result of said injuries; that he has incurred permanent disability and disfigurement resulting from said injuries; that he has lost and will continue to lose large sums of money from his usual gainful occupation; that he has sustained an impairment of his earning capacity; that he has become obligated in the past for medical expenses resulting from his injuries, for necessary medical care and treatment, and will be obligated in the future to expend large sums of money for necessary medical care and treatment; that he has sustained loss of a normal life; all of which injuries are permanent, disabling, degenerative and progressive, all to the Plaintiff's damage.

WHEREFORE, plaintiff, Danny C. Greene, prays for judgment against defendant, the Indiana Rail Road Company, a railroad corporation, in an amount in excess of Seventy Fifty Thousand Dollars (\$75,000.00) for his damages sustained and the costs of this suit.

PLAINTIFF DEMANDS TRIAL BY JURY

THE BRENNAN LAW FIRM, P.C.

By:   
Ryan Brennan  
Attorneys for Plaintiff  
19 Bronze Pointe Blvd.  
Belleville, IL 62226  
Phone: 618/236-2121  
Fax: 618/236-1282